

IN THE UNITED STATES DISTRICT COURT

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**UNITED STATES OF AMERICA,**

Plaintiff,

No. CR 14-00306 WHA

LUKE D. BRUGNARA

Defendant.

## **ORDER RE SUBPOENA APPLICATIONS**

Defendant Luke Brugnara has submitted six new applications for subpoenas to testify under FRCrP 17(b). The subpoena applications for Stuart Glassner and Jim Lassart, requesting their testimony and for them to produce voicemail recordings, are **GRANTED**. While it is unlikely that these witnesses could offer any admissible testimony, the Court is approving the applications because the recipients are local and issuing the subpoenas may lead to a clearer record for the purposes of appeal. Before a final ruling on the admissibility of these witness's testimony is made, the Court will see what their testimony could be and will listen to the recorded messages.

The applications addressed to Susan Bertelson, Carol Stevenson, Deputy Haynes, and the custodian of records at Glenn Dyer are **DENIED**. The applications fail to indicate what the potential witnesses could testify to or why their testimony would be necessary to defendant's case. In fact, the applications are merely blank forms with only the witness's name and address listed. For the Court to issue a subpoena under FRCrP 17(b), a defendant must show the "necessity of the witness's presence for an adequate defense." These applications are inadequate.

## IT IS SO ORDERED

Dated: April 28, 2015.

**WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE**